

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

BODEGA LATINA CORP. d/b/a EL SUPER

and

Case 21-CA-160858

**UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCALS 324, 770, 1167, and 1428**

DECISION AND ORDER

Statement of the Case

On March 11, 2016, Bodega Latina Corp. d/b/a El Super (the Respondent), United Food and Commercial Workers Union, Local 324, 770, 1167, and 1428 (Charging Parties or Unions), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent is a California corporation, with its principal offices located at 14601-B Lakewood Boulevard, Paramount, California, and retail stores located at 9710 Woodman Avenue, Arleta, California (Arleta store); 960 West Arrow Highway, Covina, California (Covina store); 1301 East Gage Avenue, Los Angeles, California (Los Angeles store); 10531 South Carmenita Road, Santa Fe Springs, California (Santa Fe Springs store); 1100 West Slauson, Los Angeles, California; 650 North Euclid Street,

Anaheim, California (Anaheim store); and 3321 West Century Boulevard, Inglewood, California (Inglewood store). The Respondent is engaged in the operation of retail grocery stores.

During the 12-month period ending January 31, 2015, a representative period, the Respondent derived gross revenues in excess of \$500,000 and purchased and received at its Paramount, California facility goods valued in excess of \$5,000 directly from points outside the State of California.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organizations

The Unions, and each of them, are now and have been at all material times, labor organizations within the meaning of Section 2(5) of the Act.

United Food and Commercial Workers Union Locals 135 (Local 135), 1036 (Local 1036), and 1442 (Local 1442), and each of them, are now and have been at all material times, labor organizations within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time Bakers, Cake Decorators, Scan Coordinators, Meat Cutters, Checkers, Produce Clerks, Night Crew, Grocery Clerks, Dairy/Deli Clerks, Receiving Clerks, Bakery Clerks, Bulk Deli Clerks, Meat Clerks, Tortilleria Clerks, and Runners employed by Respondent at the following locations: 9710 Woodman Avenue, Arleta, California, 91331; 960 West Arrow Highway, Covina, California, 91722; 1301 East Gage Avenue, Los Angeles, California, 90001; 10531 South Carmenita Road, Santa Fe Springs, California, 90670; 1100 West Slauson, Los Angeles, California, 90044; 650 North Euclid Street, Anaheim, California, 92801, and 3321 West Century Boulevard, Inglewood, California, 90303.

Excluded: All other employees, office clerical employees, confidential employees, professional employees, managerial employees, guards and supervisors as defined in the Act.

Since about August 2008, and at all material times, the Respondent has recognized the Unions and Local 135, Local 1036, and Local 1442 as the exclusive collective-bargaining representatives of the unit. This recognition was embodied in a

collective-bargaining agreement which was effective from August 26, 2008, to September 27, 2013.

On December 22, 2014, the Board certified the Unions and Local 135, Local 1036, and Local 1442 as the exclusive collective-bargaining representative of the unit.

At all times since about August 2008, based on Section 9(a) of the Act, the Unions, and Local 135, Local 1036, and Local 1442 have been the exclusive collective-bargaining representatives of the unit.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Bodega Latina Corp. d/b/a El Super, Arleta, Covina, Los Angeles, Santa Fe Springs, Anaheim, and Inglewood, California, its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Failing or refusing to bargain in good faith with the United Food and Commercial Workers Union, Locals 324, 770, 1167, and 1428 (Charging Parties or Unions) regarding wages, hours and other working conditions of the employees in the following appropriate unit (the unit):

Included: All full-time and regular part-time Bakers, Cake Decorators, Scan Coordinators, Meat Cutters, Checkers, Produce Clerks, Night Crew, Grocery Clerks, Dairy/Deli Clerks, Receiving Clerks, Bakery Clerks, Bulk Deli Clerks, Meat Clerks, Tortilleria Clerks, and Runners employed by the Employer at the following locations: 9710 Woodman Avenue, Arleta, CA, 91331; 960 West Arrow Highway, Covina, CA 91722; 1301 East Gage Avenue, Los Angeles, CA 90001; 10531 South Carmenita Road, Santa Fe Springs, CA, 90670; 1100 West Slauson, Los Angeles, CA, 90044; 650 North Euclid Street, Anaheim, CA, 92801, and 3321 West Century Boulevard, Inglewood, CA, 90303.

Excluded: All other employees, office clerical employees, confidential employees, professional employees, managerial employees, guards and supervisors as defined in the Act.

(b) Failing or refusing to provide the Unions with information that is relevant and necessary to their roles as the unit's bargaining representative.

(c) Failing to timely furnish the Unions with information that is relevant and necessary to their role as the unit's bargaining representative.

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their rights under Section 7 of the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Bargain collectively and in good faith with the Unions.

(b) Provide United Food and Commercial Workers Union, Local 770 with the information it requested on September 18, 2015, specifically a seniority list for unit employees at the store located at 9710 Woodman Avenue, Arleta, California that includes employees' dates of hire, position titles, rates of pay, and whether they are classified as full-time or part-time.

(c) Provide the Unions with the information they requested on September 18, 2015, specifically a seniority list for all unit employees in Excel spreadsheet form that includes employees' full names, last four digits of their social security numbers, hire dates, wage rates, seniority dates, and full-time/part time statuses.

(d) Within fourteen (14) days after service by the Region, post at its facilities located at the following addresses, copies of the attached notice marked "Appendix A:" 9710 Woodman Avenue, Arleta, CA 91331, 960 West Arrow Highway, Covina, CA 91722; 1301 East Gage Avenue, Los Angeles, CA 90001; 10531 South Carmenita Road, Santa Fe Springs, CA 90670; 1100 West Slauson, Los Angeles, CA 90044; 650 North Euclid Street, Anaheim, CA 92801; and 3321 West Century Boulevard, Inglewood, CA 90303. Copies of the notice, on forms provided by the Regional Director for Region 21, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in each facility's employee break room. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced or covered by any other material. Neither a copy of this stipulation nor any other side notice referencing this Agreement shall be physically posted adjacent to the Board's Notices.

(e) Within 21 days after service by the Region, file with the Regional Director for Region 21 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., April 28, 2016.

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Kent Y. Hirozawa, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain in good faith with **UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCALS 344, 770, 1167, 1428 (Unions)** regarding wages, hours and other working conditions of the employees in the following appropriate unit:

Included: All full-time and regular part-time Bakers, Cake Decorators, Scan Coordinators, Meat Cutters, Checkers, Produce Clerks, Night Crew, Grocery Clerks, Dairy/Deli Clerks, Receiving Clerks, Bakery Clerks, Bulk Deli Clerks, Meat Clerks, Tortilleria Clerks, and Runners employed by the Employer at the following locations: 9710 Woodman Avenue, Arleta, CA, 91331, 960 West Arrow Highway, Covina, CA 91722; 1301 East Gage Avenue, Los Angeles, CA 90001; 10531 South Carmenita Road, Santa Fe Springs, CA, 90670; 1100 West Slauson, Los Angeles, CA, 90044; 650 North Euclid Street, Anaheim, CA, 92801, and 3321 West Century Boulevard, Inglewood, CA, 90303.

Excluded: All other employees, office clerical employees, confidential employees, professional employees, managerial employees, guards and supervisors as defined in the Act.

WE WILL NOT fail and/or refuse to provide the **Unions** with information that is relevant and necessary to their role as your bargaining representative.

WE WILL NOT unreasonably delay in providing the **Unions** with information that is relevant and necessary to their role as your bargaining representative.

WE WILL provide **UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 770** with the information it requested on September 18, 2015, specifically a seniority list for unit employees at the store located at 9710 Woodman Avenue, Arleta, California that includes employees' dates of hire, position titles, rates of pay, and whether they are classified as full-time or part-time.

WE WILL provide the **Unions** with the information they requested on September 18, 2015, specifically a seniority list for all unit employees in Excel spreadsheet form that includes employees' full names, last four digits of their social security numbers, hire dates, wage rates, seniority dates, and full-time/part time statuses.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

BODEGA LATINA CORPORATION D/B/A EL SUPER

The Board's decision can be found at www.nlrb.gov/case/21-CA-160858 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

